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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/091,092 07/12/93 DIPOTO

G 3153403

33M1/0815  
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ART UNIT PAPER NUMBER

09

3309

DATE MAILED: 08/15/94

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined  Responsive to communication filed on 5/16/94  This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), \_\_\_\_\_ day(s) from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |  |  |
|--|--|
| <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892.        | <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.             | <input type="checkbox"/> Notice of Informal Patent Application, PTO-152.       |
| <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | <input type="checkbox"/> _____   |

Part II SUMMARY OF ACTION

1.  Claims 1, 4, 6, 18-22, 31, 36-37 and 42 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2.  Claims \_\_\_\_\_ have been cancelled.

3.  Claims 31, 36-37 and 42 are allowed.

4.  Claims 14-6 are rejected.

5.  Claims 18-22 are objected to.

6.  Claims \_\_\_\_\_ are subject to restriction or election requirement.

7.  This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8.  Formal drawings are required in response to this Office action.

9.  The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are  acceptable;  not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10.  The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been  approved by the examiner;  disapproved by the examiner (see explanation).

11.  The proposed drawing correction, filed \_\_\_\_\_, has been  approved;  disapproved (see explanation).

12.  Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has  been received  not been received  been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.

13.  Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14.  Other

EXAMINER'S ACTION

Art Unit 3309

The indicated allowability of claims 1, 4, 6 and 18-22 are withdrawn in view of the newly discovered prior art submitted by the applicants. Rejection based on the prior art follows:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 6 are rejected under 35 U.S.C. § 102(b) as being anticipated by Coker '486.

Figure 8 of the reference discloses an anchor as recited in claim 1. Portion 53 is the "distal region." The under 56 or a portion of shaft 63 are considered means for carrying a suture. Member 51 is means for engaging a driver extending proximally of the shaft 63.

Claims 4, 18-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 31, 36-37 and 42 are allowable over the art of record.

Applicant's arguments with respect to claims 1 and 6 have been considered but are deemed to be moot in view of the new grounds of rejection.

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Art Unit 3309

Any inquiry concerning this communication should be directed to Gary Jackson at telephone number (703) 308-4302.

G. Jackson/dh  
August 09, 1994  
Fax: 703-305-3590

GARY JACKSON  
PATENT EXAMINER  
GROUP 3300

